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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 CORNELIUS CLARK, CHESTER LEWIS, JOHN
15 PONDS, AND GARRANT COSEY, on behalf of
16 themselves and all other persons similarly situated,

17 Plaintiffs,

18 vs.

19 ANNA'S LINENS, INC.,

20 Defendant.

CLASS ACTION

Case No. C05-02670-MMC

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION TO DISMISS
PLAINTIFFS CORNELIUS CLARK'S,
CHESTER LEWIS', JOHN PONDS', AND
GARRANT COSEY'S INDIVIDUAL
CLAIMS WITH PREJUDICE AND CLASS
CLAIMS WITHOUT PREJUDICE AND
WITHOUT CLASS-WIDE NOTICE**

21 Date: ~~May 1, 2009~~

22 Time: ~~9:00 a.m.~~

Hon. Maxine M. Chesney

1 The Court, having considered the papers presented, and all other documents and argument of
2 counsel on the Motion to Dismiss Plaintiffs Cornelius Clark's, Chester Lewis', John Ponds', and
3 Garrant Cosey's Individual Claims With Prejudice and Class Claims Without Prejudice and Without
4 Class-Wide Notice and the entire record herein, states as follows:

5 Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court approves the voluntary
6 dismissal of the individual claims of Plaintiffs Clark, Lewis, Ponds and Cosey, as resolved.

7 Pursuant to Federal Rule of Civil Procedure 23(e), the Court approves the voluntary dismissal
8 of Plaintiffs' uncertified class claims without prejudice. The Court further finds that the provision of
9 class-wide notice is not required as this voluntary dismissal occurs prior to any ruling on class
10 certification and does not prejudice the claims or rights of absent class members. *See Daffin v. Ford*
11 *Motor Co.*, No. 1:00-cv-458, 2007 WL 2815448, *1-2 (S.D. Ohio Sept. 25, 2007); *Robb v. Stericycle,*
12 *Inc.*, No. Civ.A.05-1370, 2005 WL 2304475, *8-9 (W.D. La. Aug. 19, 2005). However, the Court
13 orders Plaintiffs to provide notice of the dismissal of their class claims to the 29 putative class
14 members interviewed by Plaintiffs' counsel within 10 days of the entry of this Order.

15 Plaintiffs' Motion to Dismiss Plaintiffs Cornelius Clark's, Chester Lewis', John Ponds', and
16 Garrant Cosey's Individual Claims With Prejudice and Class Claims Without Prejudice and Without
17 Class-Wide Notice, is hereby granted.

18 IT IS SO ORDERED.

19 Dated: March 26, 2009

20 
21 HON. MAXINE M. CHESNEY